

United States Court of Appeals For the First Circuit

No. 17-1511
D.C. No. 1:17-mc-00014-M

IN RE: RICHARD LEE PAIVA

Petitioner - Appellant

ORDER OF COURT

Entered: July 31, 2017
Pursuant to 1st Cir. R. 27.0(d)

The appellant listed above is a prisoner seeking to appeal in forma pauperis and has applied to proceed without prepayment of the \$505 filing fee under the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(a)(2). Appellant has completed and filed a consent form permitting appropriate prison officials to calculate and collect in installments the \$505 filing fee from appellant's prison trust account in accordance with the terms of 28 U.S.C. §1915(b)(1) and (2).

1. Pursuant to the consent form signed by the appellant, the custodian of this appellant's inmate trust account is directed to **calculate, collect and forward to the Clerk of the United States District Court for the District of Rhode Island**, as payment for the initial partial filing fee under 28 U.S.C. §1915(b)(1), 20% of the greater of:

(a) the average monthly deposits to the inmate trust account; or
(b) the average monthly balance in the inmate trust account, for the 6 months immediately preceding the filing of the notice of appeal on **May 3, 2017**. That sum should be deducted from appellant's prison account until the initial partial filing fee is paid.

2. After the initial partial filing fee is paid in full, pursuant to 28 U.S.C. §1915(b)(2) and the consent form executed by appellant, appellant's custodian is directed to calculate and remit each succeeding month on a continuing basis 20% of the preceding month's income credited to appellant's account, but only when the amount in the account exceeds \$10, until the full \$505 filing fee is paid. **Each payment shall reference the docket number of this appeal and the district court docket number and be paid to the district court.**

3. Appellant's custodian shall notify this court and the Clerk of the United States District Court if the appellant is transferred to another institution or released.

4. A copy of this order shall be sent to appellant's custodian and to the Clerk of the United States District Court for the District of Rhode Island. A copy of appellant's authorization shall be sent to the custodian.

By the Court:

/s/ Margaret Carter, Clerk

cc: Hanorah Tyer-Witek, Clerk USDC RI
Inmate Accounts, ACI Maximum Security
Richard Lee Paiva